

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

JAMES KUYKENDALL,

Plaintiff,

v.

**AMAZON STUDIOS, LLC, HECTOR
BERRELLEZ, JOHN MASSARIA,
GOOD PIXEL PRODUCTIONS,
TILLER RUSSELL, and THE
INTELLECTUAL PROPERTY
CORPORATION,**

Defendants.

Civil Action No. 5:20-cv-00219

**DEFENDANTS' MOTION TO DISMISS PURSUANT TO FEDERAL RULE OF CIVIL
PROCEDURE 12(b)(2) OR, IN THE ALTERNATIVE, TO TRANSFER VENUE**

Defendants Hector Berrellez (“Berrellez”), John Massaria (“Massaria”), Tiller Russell (“Russell”), and IPC Television, LLC (sued herein as “The Intellectual Property Corporation”) (“IPC”) (collectively “Defendants”)¹ respectfully file this Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(2) or, in the Alternative, to Transfer Venue (the “Motion to Dismiss”) and would respectfully show the Court the following:

1. Contemporaneous with the filing of this Motion to Dismiss, Defendants have filed their Memorandum of Law in Support of Defendants’ Motion to Dismiss (the “Memorandum”), which is incorporated herein by reference for all purposes.

¹ “Good Pixel Productions” is not a legal entity. It is, rather, a YouTube “channel.” Declaration of John Massaria, dated March 5, 2021 (“Massaria Decl.”), ¶ 3.

2. As set forth in greater detail in the Memorandum, the exercise of personal jurisdiction over Defendants would be contrary to Texas law and would offend well settled principles of substantive due process. Accordingly, this Court should decline to exercise personal jurisdiction over the moving Defendants and should dismiss Plaintiff's claims pursuant to Federal Rule of Civil Procedure 12(b)(2).

3. In the alternative, if this Court declines to grant Defendants' Motion to Dismiss, Defendants Berrellez, Russell, and IPC move pursuant to 28 U.S.C. § 1404(a) to transfer venue to the Central District of California, Los Angeles Division. As set forth more fully in the accompanying Memorandum, transfer is appropriate because this case could have been brought in California, and a balancing of the relevant private and public factors weighs in favor of transfer.

THEREFORE, Defendants respectfully request that this Court grant the Motion to Dismiss and dismiss the claims against the moving Defendants or, in the alternative, transfer the cases pursuant to 28 U.S.C. § 1404(a) to the United States District Court for the Central District of California, Los Angeles Division.

Dated: March 8, 2021

Respectfully submitted,

/s/ Laura Lee Prather

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of March, 2021, a copy of the foregoing has been served upon counsel for all parties to this proceeding through the court's electronic filing system.

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/s/ Laura Lee Prather

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Defendants.

**PROPOSED ORDER GRANTING DEFENDANTS' MOTION TO DISMISS PURSUANT
TO FEDERAL RULE OF CIVIL PROCEDURE 12(b)(2) OR, IN THE ALTERNATIVE,
TO TRANSFER VENUE**

On this day the Court considered Defendants' Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(2) or, in the Alternative, to Transfer Venue (the "Motion"), filed by Defendants Hector Berrellez, John Massaria, Tiller Russell, and IPC Television, LLC (sued herein as "The Intellectual Property Corporation") (collectively "Defendants") in the above-captioned and numbered cause. After considering the Motion and all accompanying memoranda of law and evidence submitted in support thereof, as well as all responses and argument of counsel, the Court concludes that the motion should be GRANTED. It is, therefore, hereby

ORDERED that all claims against Defendants Berrellez, Massaria, Russell, and IPC Television, LLC are hereby dismissed.

Alternatively, this Court concludes that Defendants' Motion to Transfer Venue pursuant to 28 U.S.C. § 1404(a) should be GRANTED. The above-captioned action is therefore hereby

TRANSFERRED to the United States District Court for the Central District of California, Los Angeles Division.

Signed at Laredo, Texas, on this ____ day of _____, 2021

Hon. Marina Garcia Marmolejo
United States District Judge